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a question which cannot be disposed of without consulting the High Court.

Mr. Bale SIDDALINGA SETTY.—Are Government aware that the late Chief Justice Mr. C. S. Doraswami Iyer visited Krishnarajanagara, examined the question and recommended the construction of the necessary buildings at the place for the location of the court as well as for officials' quarters?

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari).—That might have been the case once. But now the High Court have reconsidered the question and stated that just at present there is no necessity for a separate Court at the place.

Mr. Bale SIDDALINGA SETTY.—What was the opinion furnished by Mr. P. Mahadevayya as Chief Justice on this subject?

Mr. S. P. RAJAGOPALACHARI.—I cannot state the opinions of individual judges. All I can say is that a separate court for Krishnarajanagara is not considered necessary at present.

Mr. Bale SIDDALINGA SETTY.—But the High Court have not said so.

Mr. S. P. RAJAGOPALACHARI.—I am merely stating the opinion of the High Court.

Mr. Bale SIDDALINGA SETTY.—Do not the figures relating to suits instituted within the past 3 years justify the establishment of a separate court?

Mr. S. P. RAJAGOPALACHARI.—As stated already, this is essentially a matter in which the Government have to go by the opinion of the High Court. We cannot give an additional court to each and every taluk. A fair distribution of jurisdiction has to be effected among the existing courts on the basis of area, distance from the different places, etc. And if the existing arrangement has given room for any grievance, the member may make another representation to the High Court.

Mr. Bale SIDDALINGA SETTY.—What we are pressing for is a Munsiff-Magistrate's court. There will be plenty of income on both civil and criminal sides. We therefore pray that the matter be kindly reconsidered from the points of view of the number of suits, the anticipated revenue, and such other recognised data.

Mr. S. P. RAJAGOPALACHARI.—I have stated that for the present the High Court is not in favour of the proposal. They may however take up the question some time hence.

Mr. TIPPU SULTAN ALI KHAN.—Are the Government aware that the more the number of courts, the greater will be the impoverishment of the people?

Mr. S. P. RAJAGOPALACHARI.—Yes, that is also a possible view.

REPRESENTATIONS—*contd.*

No. 21.—Reduction of wet assessment in malnad parts.

Mr. B. N. BORANNA GOWDA (Belur Taluk) and all the other members of Hassan District.

Mr. B. N. BORANNA GOWDA represented that the rate of wet assessment in malnad parts of the State was very high, ranging from Rs. 2 to Rs. 8 per acre. There were only a few tanks in the malnad and the availability of agricultural labour was scanty. Added to these handicaps, the damage caused to crops by wild animals was considerable. In spite of all this, remission was not being granted in the malnad as a general rule. He therefore prayed that the wet rates might be reduced so as not to exceed Rs. 4 per acre.

Mr. H. M. CHANNABASAPPA, in supporting the above view, remarked that in olden times, the atchkats under the several tanks were fixed on the presumption that the tanks would fill not once or twice during a year, but even 3 or 4 times. But actually, however, most of the tanks were not filling even once at present. So that the landholders were experiencing a lot of difficulty in paying the land revenue. And the position was definitely worse in cases where rainfall was scanty. But it was usual for village officers to make in the *pahani* accounts entries to indicate full crops even in such cases. For all these reasons he said that no remissions were being granted. This was particularly the case with the malnad where, unlike the maidan, paucity of labour as well as manure was

keenly felt and the yield from agriculture was very much less. He therefore prayed for the reduction of the maximum wet rate to Rs. 4.

The member next referred to the havoc caused to crops by wild animals and complained that Government had not yet passed orders liberalising the rules relating to the grant of gun licences and withdrawing the recent innovation of cutting short the length of the barrels of guns, as promised at the previous session.

The CHIEF SECRETARY to GOVERNMENT (Mr. B. T. Kesavaiengar) replied that circular instructions about the issue of gun licences had already been issued and that the proposals not to reduce the length of the barrels in the case of muzzle loaders were under consideration.

The REVENUE COMMISSIONER (Mr. K. V. Anantaraman) explained that in their Order dated 17th November 1937, Government had reviewed the position with regard to the rates of wet assessment and observed that the wet rates were not excessive. He was surprised to hear from the members a general statement that the maximum rates went up to Rs. 8. He had no doubt that that rate obtained only in very rare cases and that the average ruling rate ranged between Rs. 3 and Rs. 3-12-0. In Tarikere, however, it was Rs. 3-9-10, and in Shikarpur and Manjarabad Rs. 4-2-0. He also added that the general charge that the rates of wet assessment in the malnad were very heavy was not based on reliable data.

As regards the complaint that remissions had not been given even when there was failure of rains, he said that wherever there had been failure of crops, remissions had been granted under the rules.

Mr. B. N. BORANNA GOWDA said that in his own village of Madehalli, no remissions had been allowed.

Mr. K. V. ANANTARAMAN remarked that only half of Madehalli was malnad. Anyway, remissions had been granted under 1,600 tanks during the previous year and if omissions were brought to notice, they would be investigated.

No. 22.—Modification of water rates and fine for use of water.

Mr. K. RAMANNA (Holenarsipur Taluk) and all the other members of Hassan District.

Mr. K. RAMANNA represented that according to the present rules, double water rate was being levied for use of *nala* water for dry lands with permission and four times the water rate and fine were levied when such use was unauthorized. As this was causing much inconvenience to landholders, he prayed that the rule might be so modified as to levy single water rate when permission was obtained for temporary use of water and crop was raised; and that double water rate with suitable fine should be thought of only in cases where permission was not obtained.

Mr. T. SHADAKSHARAPPA said that in the Chellakere Taluk, the raiyats had necessarily to depend on water from the channels of the Vedavathi river for their garden crops. They could not help doing so because Chitaldrug was a dry district and the rainfall was very scanty. But very heavy fines were being levied from the land-owners for taking such water. He prayed that the request contained in the representation might be considered very favourably.

Mr. S. RAMAPPA represented that the existing rule worked as a great hardship. It might be that the object of Government in stiffening the rules in this respect was to prevent the raiyats from using water for dry cultivation. But the circumstances in which water was being taken without permission were very peculiar and such instances occurred very rarely and in cases where the rainfall was too much for dry crops and only *punaji* paddy was likely to thrive. But this paddy, he thought, was more a dry crop than wet, and even for that, water would be taken by the cultivators only if it did not mean any grievance for the permanent *atchkatdars*. In such cases, the levy of 4 times the water-rate and a heavy fine in addition was causing untold hardship to the raiyats and he urged that the rule under reference should be so modified as to prescribe the levy of a single water-rate in cases where water was taken with permission

and twice that rate if water was taken without permission.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) was surprised that this representation which was tantamount to an attempt at defending wrong-doers should have been moved at all. He explained that there were any number of cases coming to notice every year, of stealthy or unauthorized use of water. He wanted to impress on the House that the rule under reference was quite sound in principle. The members themselves had brought to notice that in certain tanks there was not enough water for all the lands already included in the *atchkat* and obviously, in such cases, dry lands ought not to be given water. It was the duty of Government to see that water was supplied to the wet lands for which water had been guaranteed. If, however, there was a surplus over and above the requirements of the *atchkat*, permission would be granted by the authorities without any difficulty. But in such cases, double water rate was being levied since those who derived the benefit of the water did so without sharing any responsibility for the maintenance of the tank. As regards unauthorised use of water, the levy of 4 times the usual rate had been prescribed. The levy of only double the rate in such cases also, as suggested, would not serve the object in view, *viz.*, to penalise the offence of unauthorised use of water. But, though the rule stood as stated, as a matter of fact, 4 times the rate was not being levied in all cases. In the case of lands under the Borankanve, for example, where all available lands had not yet been brought under cultivation, only single water rate was being charged. The maximum rates leviable were being levied only in cases where all the lands under a given tank had been brought under cultivation and the supply of water thereto had been guaranteed. This rule had been framed for affording protection to the permanent holders of wet lands and not for the sake of adding to Government revenues.

Mr. K. VENKATARAMIAH enquired if the same rule applied both to tank as well as for channel irrigation.

Mr. S. P. RAJAGOPALACHARI replied in the affirmative.

Mr. K. VENKATARAMIAH contended that there was no justification for levying a penalty under channel irrigation in cases where the raiyats had paid acreage contribution towards the cost of construction of the channel. He cited the example of Kattepura Nala, a channel of the Cauveri, in which such penalty had been imposed. An appeal filed before the Revenue Commissioner, he said, had been recently dismissed without due consideration. He requested that in such cases, the raiyats were entitled to use the water without having to pay any extra penalty.

Mr. S. P. RAJAGOPALACHARI explained that if once the parties applied for the levy of permanent water rates, the question of double rates would not arise.

Continuing, he invited the attention of the House to Rule 33 (*b*) of the Land Revenue Rules which was clear on the subject under discussion. It laid down:

> "Provided also, in the case of tanks and other works under which irrigation has to be developed, the Deputy Commissioner may sanction the use of water for a period not exceeding 5 years at a time and levy a water rate on the basis of the difference between the dry assessment and wet assessment of the neighbouring lands . . ."

In such cases there was no question of a double levy at all. He advised the member to quote that rule and apply to the Revenue Commissioner for necessary relief.

Mr. G. RAJAGOPALACHAR asked why a fine should be imposed in addition to the water rate.

Mr. S. P. RAJAGOPALACHARI replied that the object was to discourage the use of water, as far as possible, for purposes for which water supply was not guaranteed. The fine was for the offence of taking water unauthorizedly. The levy of 4 times the water rate was for the offence committed as well as for the water actually drawn.

Mr. G. RAJAGOPALACHAR pointed out that even where water was taken without permission, the raiyat would

not take more water than was actually required for his land. So even if a fine was to be levied it should be reasonable.

Mr. S. P. RAJAGOPALACHARI replied that though the term 'fine' connoted severity, what was actually levied was very nominal, generally only a rupee or so.

Mr. G. RAJAGOPALACHAR said that in his capacity as lawyer he had handled cases where fines up to Rs. 25 and Rs. 30 had been levied in addition to 4 times the water-rate.

Mr. S. P. RAJAGOPALACHARI explained that those cases might have related to cases where deterrent punishment was called for, ordinary fines levied in previous years perhaps not having produced the desired effect, but that first offenders were dealt with only lightly.

Mr. K. RAMANNA brought to notice a case of a dry land surrounded on all sides by wet lands cultivated with the help of an old channel, and complained that in that case, even though water was taken by permission, double the water rate was being recovered.

The REVENUE COMMISSIONER (Mr. K. V. Anantaraman) explained that there were 3 types of cases for consideration in this connection. According to the Government Order of 1935, wherever surplus water was available, it could certainly be made use of for developing the area. In such cases, the water rate would be fixed at only the difference between the dry and wet rates. But where water was utilised and it meant some disadvantage to the lands already assured of water supply, double the rates would be levied if permission was obtained in advance and four times if previous permission was not obtained.

Mr. K. RAMANNA brought to notice that even in cases where the water in question was not taken from a sluice, but water normally flowing close to the land, the landholders were being made to pay a heavy fine. He requested that in such cases, it should be settled definitely whether a single water rate should be levied or double.

Mr. S. P. RAJAGOPALACHARI replied that all such cases would have to be disposed of according to Rules 33 and 34 of the Land Revenue Rules. He however added that the attention of the Revenue officers would be drawn to the various orders and instructions on the point and that they would be instructed to enforce those orders and instructions.

Mr. K. KENCHAPPA stated that beyond the boundary of Chellakere Taluk, the Vedavati river flowed into British territory. He could not understand why objection should be taken to using that water before it flowed out of the State limits, and why a penal rate should be charged for using it at all. After all, the raiyats were not taking water directly from the channel, in all cases. They had sunk irrigation wells at their own cost in the neighbourhood of the channels. In such cases, he contended that there was no justification for levying twice and four times the water rates, as was being done by the revenue authorities. The speaker felt that only single rate should be levied in all such cases.

Mr. K. V. ANANTARAMAN said that if the use of channel water for garden lands could be allowed without prejudice to the interests of the existing atchkatdars, instructions would be issued for the levy of only the difference between wet and dry rates. But in the absence of adequate supply in the irrigation work, twice the rate would continue to be levied if the water was taken with previous permission and 4 times the rate in other cases.

Mr. A. BHEEMAPPA NAIK complained that there was inordinate delay in the disposal of applications for permission to use water and that even in cases when the permission had been applied for, the local officials would collect twice or four times the water rate on the ground that before the water was actually taken permission had not been obtained. He therefore suggested that a time limit of 8 days should be fixed for the disposal of all applications for temporary supply of water. In the event of non-receipt of permission within that period, the parties might presume permission and begin to take water.

Mr. S. P. RAJAGOPALACHARI promised to issue instructions for expediting the disposal of such petitions.

Mr. A. VENKATESAIYA represented that in certain parts of the Mysore, Tumkur and Chitaldrug districts, plantain cultivation was carried on with the help of water lifted at the tail end of channels. But water was bailed out for the purpose only twice in the year. Still, 4 times the water rate was being charged, on the plea that such cases were not covered by the Government Order of 1935, though the Revenue Commissioner had passed an order in 1915 that when there was surplus water, cultivation at the tail end of channels might be carried on and that in such cases, only the difference between the wet and the dry assessment need be paid by the landowners. The member was certain that the Government Order of 1935 did not seek to amend the order of 1915 and the Deputy Commissioner of Mysore District had also held the same opinion in one case. He requested that the position should be clarified by a definite statement by Government.

Mr. T. MARIYAPPA proposed that instead of a rigid rule that 4 times the water rate should be levied, the local officers might at least be given the option to fix the amount of the penalty according to the circumstances of each case and the *bona fides* of the parties concerned.

Mr. S. P. RAJAGOPALACHARI replied that, after all, the difference would be very slight as between twice and 4 times, but that he would consider the question of issuing instructions that the highest penalty should be not less than twice and not more than 4 times the normal water rate.

No. 23.—Reduction in the rates of wet and dry assessment in Kogalur Magane.

Mr. K. G. VEERAPPA GOWDA (Channagiri Taluk)

Mr. K. G. VEERAPPA GOWDA prayed that the rates of assessment levied on wet and dry lands in and around Kogalur Magane, which were heavy as compared with the rates prevailing in other parts, might be reduced.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) explained that the reduction of rates in the case of particular villages would be opposed to the principle of survey and settlement, but that the raiyats concerned were free to get their wet lands converted into dry lands, if they felt that the lands were not fit for wet cultivation. As regards the contention that the rates were heavier in the case of the lands in question than elsewhere, he pointed out that, as could be seen from the revenue reports, the rates in the area were not at all high. In the 5 villages included in that hobli, the wet rates varied from Rs. 4-2-0 to Rs. 4-14-0; in one village, the average rate was as low as Rs. 2-5-0, and only in the case of two villages did it go beyond Rs. 5. But as the rates had been fixed at the time of survey and settlement, he regretted that it was not possible to reduce the assessment in particular cases. If at all there was any grievance in particular cases, it would be open to the landowners to obtain remissions.

No. 24.—Reduction of wet rates on lands under the Bhadra channel.

Mr. Patel BASAPPA (Shimoga Taluk).

On behalf of the mover, Mr. Bhupalam R. CHANDRASEKHARAIYA explained that lands under the Bhadra channel had long been lying fallow for generations past and could be made fit for cultivation only at great cost. Years ago, when the price of paddy was ruling high, the landholders were getting on fairly well. But the prices had since fallen by 50 per cent. and this had affected the economic condition of the raiyats considerably. Certain plots happened to consist of alkaline soil and in such cases the raiyats could hardly raise a few pallas of paddy per acre, the return from which had to be divided in equal proportions between the landholder and the tenant. After paying for manure and meeting the expenses of cultivation and the wet assessment, the net

return would be practically nothing. For this reason, he prayed that the rate of assessment be reduced from Rs. 6 to Rs. 3 if possible or at least to Rs. 4 (and not Rs. 5 as wrongly printed in the Representation).

In supporting the above representation, **ANOTHER MEMBER** said that in view of the heavy assessment on land under the Bhadra channel, many agriculturists were giving up land altogether and emigrating in quest of labour in one or other of the new industrial enterprises. He hoped that by reducing the rates of assessment, it would be possible to attract agricultural labour once again and bring under cultivation all the 4,000 acres in the channel area. Thereby not only the raiyat population but also the Government would be benefited financially.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) explained that most of the lands referred to were being cultivated with wet crops even before the Bhadra channel was constructed, though they were dependent only on rain water then. And yet, the assessment that was being paid in those years was ranging from Rs. 2-8-0 to Rs. 4. Subsequent to the construction of the channel, however, the supply of water to the lands was guaranteed and yet, the maximum rates levied were limited to Rs. 6. It had to be remembered that this irrigation scheme had been sanctioned by the Government on the specific undertaking by the raiyats agreeing to pay a wet assessment of Rs. 6. In this view he observed that asking for a reduction of those rates would be both unreasonable and unacceptable.

Mr. S. P. RAJAGOPALACHARI next mentioned that the assessment on lands under the Anjanapur reservoir was as high as Rs. 10 though the lands were situate in the heart of a forest area. The lands now in question, however, enjoyed the benefits of railway connection, proximity to market, and a perennial supply of water. Government's feeling in this matter was that the existing rate of Rs. 6 was low enough and it would become a very inconvenient precedent for future schemes if even this was reduced any further.

Continuing, the speaker stated that the Deputy Commissioner and other concerned officers of the district had reported that while the tanks in the entire district had not received any supply during the year owing to failure of the monsoon, there was a bumper crop under the Bhadra channel, and that there was no case for a reduction of assessment. In the light of the above facts, the Member observed that there was no justification to demand any reduction in the existing rates.

Having said this, **Mr. S. P. RAJAGOPALACHARI** added that he understood from the Revenue Commissioner that a survey had been made recently as a result of which all lands which could not be classed as wet had been converted as dry, so that he did not consider that there would be any special inconvenience or hardship to the raiyats in future.

No. 25.—Reduction of assessment in Sakrepatna Village.

Mr. K. MARULAPPA (Kadur Taluk).

Mr. K. MARULAPPA represented that in Sakrepatna village, the prevailing rate of assessment was Rs. 12 per acre on wet land and Rs. 2-8-0 per acre on dry land. Recently, the assessment had been very much enhanced, and under the existing conditions, when the indebtedness of the raiyats had increased, it was not possible for them to pay the assessment. In the adjoining villages, the prevailing (cocoanut) bagayet rate was only Rs. 2 per acre. He therefore prayed that the wet assessment in the said village be reduced very substantially.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) observed that the rates, which had been fixed according to the rules, were already low and that the Government did not consider it necessary to reduce them any further. In this connection, he regretted that any members should have thought it proper to bring up subjects relating to individual villages before an Assembly which was intended

to deal with questions in which the State as a whole was interested.

No. 26.—Grant of remission of assessment.

Messrs. Venkalpathi THIMMIAH and **Patel MALLAPPA** (Chitaldrug Taluk); **T. SHADAKSHARAPPA** and **D. SIVASANKARIAH** (Challakere Taluk); **K. KENCHAPPA** and **B. SITHARAMIAH** (Hiriyur Taluk); **GOWDA ESWARAPPA** of Doggana and **GOWDA ESWARAPPA** (Holalkere Taluk); **Patel CHENNAPPA** and **GOWDA SIVAPPA** (Davangere Taluk); **Patti BASAPPA** and **KAMAREDDI MALLAPPA** (Molakalmuru Taluk); **J. S. MAHALINGAPPA** and **MALKAPPA** (Jagalur Taluk); **Alampalli NANJUNDA SETTY** and **P. S. DORAISWAMY NAIDU** (Hosadurga Taluk); **BASAPPA** *alias* **ROGAPPA** (Harihar Sub-Taluk); **M. GURUSIDDAPPA** (Davangere Municipality); **S. RANGA RAO** (Chitaldrug Municipality); **MAHOMED USMAN SAHIB** (Harihar Municipality); **C. H. ABDUL RAZAK, SYED MOHIYUDDIN HUSSAIN** and **A. BHEEMAPPA NAIK** (Minorities).

Mr. Venkalpathi THIMMIAH represented that in spite of orders permitting the grant of remission of wet assessment according to circumstances in respect of lands under tanks not getting an adequate supply of water, remissions were not actually granted. In fact, in several instances, excessive kandayam was being recovered from the raiyats. With a view to facilitate the automatic grant of remissions, he prayed that a form be prescribed in which the village officials might be asked to prepare the accounts every year, the accuracy of the same being scrutinised and verified by the *Jamabandi* officers after inspection of the concerned tanks.

Mr. T. SHADAKSHARAPPA enquired what remission would be given in cases where there was failure of crop due to want of water, and who the sanctioning authority in such cases was.

The CHIEF SECRETARY (Mr. B. T. Kesavaiengar) replied that under the rules, remission of half the wet assessment could be recommended by the *Jamabandi* officer on the basis of the *pahni* accounts or inspection of the tank concerned.

Mr. T. SHADAKSHARAPPA represented that the full benefit of remission rules was not reaching the raiyats. He was constrained to bring to notice that the *pahni* was being written by the village officers sitting in their own houses or in the village *chavadi* and not after spot inspection. He suggested that circular instructions should be issued that *pahni* accounts should be written only after ascertaining the condition of the crop in each case and that the *Jamabandi* officer also should inspect the *pahni* registers in the presence of the local raiyats, so that wrong entries, if any, might be corrected in time.

Mr. G. SANKARA SETTY explained that in 60 per cent of cases the cultivation in the Chitaldrug District was by lift irrigation and all the remaining 40 per cent of lands were lying fallow. And yet, it was strange that no remission was being granted in the case of the latter lands. Even though petitions for remissions were submitted to the *Jamabandi* officers, they would take more than a year to get disposed of. Neither suspension orders nor even endorsements were being given by the *Jamabandi* officers themselves. However sound the remission rules might be in theory, in practice the benefits of those rules were not actually reaching the poor raiyats. This defect could only be remedied by vesting the power of granting remission, in all deserving cases, in the *Jamabandi* officers themselves as was the case in Madras.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) said that *Jamabandi* officers could not be vested with the power of sanctioning remissions straightway. He did not believe that such a large power had been vested in *Jamabandi* officers in the Madras Presidency. If at all, the said officers could only order suspension of collection.

Mr. A. BHEEMAPPA NAIK complained bitterly against the method adopted by shanbhogs in writing up the *pahni* accounts. The accounts were generally written up within a few days after the sowing season, when the extent of the crop could certainly not be ascertained. It was often said that though the accounts were written shortly after the sowing season, they were being checked and revised before the harvesting season. But he was certain that there was no revision and that the final accounts

would be a mere copy of the preliminary records. This was the reason why even the weekly season and crop reports furnished by the revenue officers were so stereotyped and bore no relation to facts. He had personally seen a case in which the shanbhog's son was writing the *pahni* accounts, sitting on the pial of a temple within the village, and those accounts were a mere copy of the accounts for the previous year.

Mr. K. RAMANNA protested against this allegation and asserted that it was entirely baseless.

Mr. S. P. RAJAGOPALACHARI observed that the allegations made against the accuracy of the *pahni* accounts might have been justified in former days, but this was no longer the case at present. Because in olden days, the definition of the term "tract" was so vague and general that it was understood to mean entire villages or even *hoblies*. Latterly, however the term "tract" had been defined to mean the cultivated area under a given tank. Ordinarily in every case of that kind, there was only one shanbhog. The posting of the *pahni* could not mean mere copying of a previous year's accounts. Suppose there was no water at all in the tank, it would be ridiculous for anybody to show in the register a 12-anna crop, though that much of crop might have been reaped in the previous year when the tank might have been full. Generally speaking, he did not believe that shanbhogs dared making wrong reports for the simple reason that people in the locality who knew the condition of the tanks and the crops might at any time challenge such reports. As regards remissions, it was a fact that as soon as the rains failed, petitions would be sent up by the raiyats, and the Sub-Division Officer would have to consider them and submit them, if necessary, to the higher officers for granting the necessary relief. Even if, as alleged by some of the speakers, relief was not given in any case, members of this Assembly would bring it to the notice of Government who would consider it at least at that stage. Thus, it would not be correct to say that the benefit of remission rules was not actually reaching the people. As a matter of fact, in the previous year, remissions had been granted in as many as 1,600 cases and to a total extent of nearly Rs. 4 lakhs. There were some more cases coming up still so that the total extent of remissions might even exceed Rs. 4 lakhs. This showed clearly that remission rules were being applied very generously.

A MEMBER from Jagalur complained that petitions which had been presented to the Revenue Commissioner and the Member of Council when last they visited the Chitaldrug District, praying for remission in certain cases, had not yet resulted in any relief to the raiyats.

Mr. S. P. RAJAGOPALACHARI promised to enquire into the matter.

Mr. T. SHADAKSHARAPPA asked whether remissions had been granted in Chellakere Taluk in cases where crops were being grown on wet lands without drawing water from any Government source.

The REVENUE COMMISSIONER (Mr. K. V. Anantaraman) replied that remissions had been allowed except in the case of perennial crops.

The same **MEMBER** mentioned the case of a tank which had breached in 1930-31 and restored only in 1936-37 and asked what justification there was in having collected the full assessment during the intervening years even if the raiyats had not agitated for remission.

Mr. K. V. ANANTARAMAN replied that enquiries would be made as to whether remission had been recommended and if not, the reasons for the same.

Mr. K. RAMASESHA SASTRI represented that in the Kolar District, the subordinate revenue officials were in the habit of putting off consideration of remission applications as long as possible, so that they might in the meanwhile exhaust every means of collecting the full dues.

Mr. S. P. RAJAGOPALACHARI replied that he was personally aware that 70 to 80 per cent of remission applications had been disposed of before the close of the previous year so that he could not agree that remission applications were being put off unnecessarily.

If, however, there were exceptions, the aggrieved parties ought to take the cases to the notice of the Deputy Commissioner. Incidentally, he also observed that the raiyats would do well to submit remission applications well in time.

Mr. T. V. NARASINGAPPA brought to notice that the Amildar of Tarikere had compelled the shanbhogs to report a 16-anna crop in the *pahni* registers when only a 4-anna crop had been realised. He stated that this could be easily seen from the corrections made in every *pahni* account relating to that taluk. He said that the entire raiyat population of the State would be grateful if circular instructions were issued to all the village officers that *pahni* accounts should be so written up as to indicate the true state of affairs.

Mr. S. P. RAJAGOPALACHARI replied that if any concrete instances were taken to the notice of the Deputy Commissioner, he would make enquiries, get the necessary corrections made and also take disciplinary action against those responsible for making false reports.

Mr. G. S. SUBBA RAO represented that due to silt accumulation, the Siddapur tank in Madhugiri Taluk held very little water and the wet crop realised by owners of land under the tank was very poor. In spite of it, permission was being given for temporary cultivation and a contribution levied from cultivators for the cost of tank restoration. The member suggested that this should be put an end to and the *atchkatdars* compelled to attend to the tank maintenance work. In the next place he brought to notice that adjoining the *atchkat* of this tank there were garden lands extending over 60 acres, which were also treated as wet lands. This in itself was a ground for complaint by the permanent *atchkatdars*, but the complaint was all the louder on account of the fact that all the 60 acres referred to were made up of loose soil so that as water was let in, much of it sank into the earth and the tank, though full up to the brim, would be emptied in less than a fortnight. For this reason also he requested that no temporary cultivation should be permitted under this tank. He represented that similar was the case with the Cholenahalli tank. The Revenue Commissioner had observed, in another connection, that almost every tank in the State had discharged during the current year, but the member was sorry to say that under the tank in question, at no time were the cultivators able to realise the "Vaisakhi" crop. In spite of it, the raiyats had not been given any remission. The speaker requested that during the current year at least some concession be shown. He then proceeded to quote a third instance of the same kind, *viz.*, Bijora.

The PRESIDENT stated that the improvement of the feeder channel of the tank was under investigation.

No 27.—Continuance of concessions regarding the collection of taxes, etc., for the year 1938-39.

Mr. S. RAMAPPA (Srinivaspur Taluk).

Mr. S. RAMAPPA represented that in the past few years there had been a good deal of trouble in regard to the payment of taxes owing to bad seasonal conditions. He therefore prayed that the revenue concession of the previous year might be continued for the current year also.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) replied that orders had been issued continuing the concession for the year 1938-39 also.

No. 28.—Continuance of the concessions in the land revenue collections for a period of at least five years.

Mr. Chinivara PADMARAJIAH (Sringeri Jahgir).

Mr. Chinivara PADMARAJIAH represented that though concessions had been granted during the last four years regarding the payment of assessment and the same were being extended from time to time, yet, they were not brought into effect. The Revenue Commissioner and the Deputy Commissioners did not appear to have paid any heed to that. The reason was not known. On that account, the difficulties encountered by the raiyat population were on the increase. In British India, the subordinate officers earnestly carried out the

promises held out by the Government. The attitude of the officers in Mysore State varied from case to case. He therefore prayed that Government might be pleased to kindly investigate into the matter thoroughly and continue the concessions regarding the payment of assessment for a period of at least five years. By granting more concessions, he was of opinion that Government would not be losers in any respect, and urged that the concessions might be effectively brought into force.

(*Same as Representation No. 27.*)

No. 29.—Remission of wet assessment in 1937-38 and 1938-39 in respect of lands under tanks.

Mr. S. THIMME GOWDA *alias* THAMMAYYA GOWDA (Krishnarajpet Taluk).

Mr. S. THIMME GOWDA *alias* THAMMAYYA GOWDA represented that there was no supply of water during the current year to many tanks due to want of timely rains and that consequently it had been difficult to raise wet crops. As the same thing had happened during the previous year also, he prayed that remission of assessment for the years 1937-38 and 1938-39 in all the taluks be sanctioned in respect of lands situated under tanks if the crops had failed. He was unable to understand why remission had not been granted already even though the *pahni* accounts showed that in many cases the lands had remained altogether uncultivated and officers of the Public Works Department had also reported that they had not been able to supply water to all the wet lands. In the hope of securing remissions, the landholders had not paid assessment but suddenly one day they found that the lands had been notified for auction on account of non-payment of revenue and the landholders were asked to pay not merely the land revenue but also fine and other levies. As a matter of fact, in Krishnarajpet as well as in many other taluks, even dry crops could not be raised but payment of the full wet rates was being insisted upon in such cases also. He earnestly urged that in all cases in which dry crops were raised, the assessment collected should never exceed the maximum dry rates prevailing in the tract; or, in the alternative, that at least the usual remission of wet assessment should be sanctioned as per rules.

Mr. K. L. NANJAPPA NADIG stated that even in cases where neither wet nor dry crops had been raised and the higher Revenue officers had also inspected the lands, full wet assessment had been collected and that the applications which the land-owners had submitted had not been taken into consideration at all.

The DEPUTY COMMISSIONER, MYSORE DISTRICT (Mr. M. G. Mehkri) promised to examine the question.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) added that information had been called for on the question of remission in the Mysore District and that the records had not been received, according to the information of Government, even in the District Office as yet.

Mr. NANJAPPA NADIG requested that if, after examining, the Deputy Commissioner was convinced that remissions were called for, he should kindly see that the amount remitted in each case was paid back to the *khatedars* and not adjusted towards the following year's dues, as in the latter event the benefit of the remission would not actually reach the parties in many cases.

Mr. K. MARULAPPA stated that in Hirenallur, Thippasamudra and some other places, the tanks had not been filling for a number of years and yet the land-owners there had known nothing like remission of assessment. He observed that this was due to the fact that the higher officers depended on reports from local subordinates, which in many cases were inaccurate. He appealed to the higher officers to visit as many places as possible and see for themselves how far the raiyat stood in need of help.

Mr. T. SHADAKSHARAPPA suggested that a mixed committee of officials and non-officials be appointed in each district charged with the duty of reporting to the higher officers on the condition of crops under each tank in every village.

The SECOND MEMBER (Rajamantrapravina N. Madhava Rau) replied that

that question did not arise in connection with the representation under discussion.

In view, however, of the large number of complaints received every year in the matter of remission applications and their disposal, **Mr. S. P. RAJAGOPALACHARI** stated that Government would prescribe a monthly return showing the number of remission applications received for each village, number disposed of and number pending, so that the disposal of all these applications could, as far as possible, be expedited and none of them lost sight of.

Mr. B. SITARAMIAH observed that much of the trouble would be obviated if the *Jamabandi* officers were authorised to order the suspension of collection in every case in which an application for remission was made.

Mr. S. P. RAJAGOPALACHARI replied that such a practice was already in vogue and that Deputy Commissioners had been empowered to suspend collection.

Mr. B. SITARAMIAH stated that the Deputy Commissioner or the Sub-Division Officers generally held *Jamabandi* after the collection season. So it would be more convenient if the Amildars themselves who held *Jamabandi* in advance of the said season, were authorised to suspend collection in cases where remissions were applied for.

Mr. S. P. RAJAGOPALACHARI replied that the suggestion did not appeal itself to Government in whose view, the Deputy Commissioner of the District alone was the best authority for ordering suspension of collection.

Mr. H. KRISHNAMURTHI ACHAR suggested that the Sub-Division Officers should be instructed to make a note of all the representations made at the time of *Jamabandi*. He then expressed gratitude to Government for the numerous concessions they were showing to agriculturists in recent years. But, he added, it was a fact that village officials were afraid of reporting the true state of affairs, particularly with regard to crop realisations, and that this was the only reason why the *pahni* was not a faithful record. He therefore payed that circular instructions be issued to the effect that the correct position should be recorded in the *pahni* registers, in which case all the trouble which the agriculturists were experiencing at present would be at an end.

Mr. S. P. RAJAGOPALACHARI promised to consider the suggestion.

No. 30.—Starting tank works in distress affected parts.

Mr. S. B. JOGANNA GOWDA (Channarayapatna Taluk) and all other members of Hassan District.

Mr. S B. JOGANNA GOWDA represented that owing to failure of rains during the current year, raiyats in rural parts were put to much difficulty to eke out a livelihood, even by cooly-labour. He therefore prayed that Government be pleased to take up tank works in affected parts and thereby provide labour to raiyats of the locality so as to relieve their distress.

Mr. B. KODANDA RAMA BHATTA requested the starting of Khadi centres in as many places as possible.

Mr. H. KRISHNAMURTHI ACHAR referred to the system of entrusting contracts for tank repair works to other than local men and remarked that the works were done in a perfunctory manner in most cases. He requested that as a rule such contracts should in future be given only to local men.

Mr. B. L. HUTCHAPPA stated that in many cases remissions had not been recommended in Channarayapatna Taluk and requested that circular instructions be issued to the effect that, whether applications were made or not, remissions ought to be recommended in all deserving cases.

Mr. B. SITARAMIAH stated that all the *Jamabandi* officers seemed to be under the impression that they could do nothing without applications from the interested parties. For this reason he heartily supported the suggestion made by the previous speaker.

The PRESIDENT replied that the Revenue Commissioner would consider the suggestion.

No. 34.—Revising the rules regarding grant of *Takavi* loans to Coffee Planters.

Mr. KRISHNA RAO GANESHA RAO GURUJAR (Special Interests).

Mr. KRISHNA RAO GANESHA RAO GURUJAR represented that the rules

regarding the grant of *takavi* loans to coffee planters which empowered the Loans Committee to grant loans up to a limit of Rs. 5,000 be modified so as to increase the limit to Rs. 10,000 the power to grant loans exceeding this amount being reserved by Government. He also requested that loans be issued in deserving cases on the security of the crops irrespective of the estates being otherwise encumbered and also that the present limit of Rs. 30 per acre be raised to Rs. 60. He added that all loans so far advanced to the planters had been repaid regularly, so that Government need have no hesitation in extending help to them more liberally in future.

Mr. MIR MAHOMED SAHIB supported the representation and requested that the rules on the subject be modified so as to permit of help as prayed for being extended.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) replied that a similar question had come up for consideration at the previous session of the House and Government had then promised to examine it in all its aspects. They had since considered it carefully and come to the conclusion that the maximum limit of Rs. 5,000 at present existing was quite reasonable. The same opinion had also been expressed by every one of the officers consulted. It did not appear to Government that any special hardship would result by the maximum being fixed at the said figure. Even in regard to land improvement loans, Deputy Commissioners of Districts were empowered to grant loans only up to Rs. 2,500 and all amounts in excess thereof had to come up to Government for sanction. But this did not mean anything like inordinate delay; in fact, all recommendations made by Deputy Commissioners were being sanctioned by Government almost immediately. This restriction, so far as the Deputy Commissioner's powers were concerned, was provided for only on financial grounds.

Even as regards the second request contained in the representation, **Mr. S. P. RAJAGOPALACHARI** observed that the maximum loan that could be sanctioned on the security of crops was quite reasonable. It was also considered unnecessary to give loans in excess of Rs. 30 per acre as these loans were given only for conducting experiments relating to manure. There could be no grievance on account of this limitation since other loans were available for spraying and such other purposes. If all these facilities were taken into consideration, he hoped that the House would see that coffee planters were getting adequate relief at the hands of the Government.

As regards the suggestion to give loans on crops even in the case of encumbered estates, **Mr. S. P. RAJAGOPALACHARI** feared that this, if agreed to, would lead to considerable difficulty for the Government since they would have to secure the previous consent of all the creditors concerned. The creditors were least likely to give their consent in which case the Government could do nothing to help the planters. If by making this suggestion, the mover meant that Government should, if necessary, interfere with the private rights of the creditors, the speaker would at once state that Government were definitely not in favour of such a suggestion.

Messrs. G. RAJAGOPALACHAR and **MAHOMED HUSSAIN** were strongly opposed to the representation as it virtually amounted to asking for huge loans without adequate security which in a majority of cases might be difficult of recovery.

Mr. MIR MAHOMED SAB said that the previous speakers did not perhaps understand the point correctly. Prior encumbrances related to the land only and had nothing to do with the crop, so that Government would have nothing to lose by advancing loans on the security of crops.

Mr. KRISHNA RAO GANESHA RAO GURUJAR added that when even private companies were advancing loans on the security of crops, the Government need have no hesitation in doing so. Besides, the planters never intended to dupe the Government. The member therefore urged that in cases where the security was worth the amount of loan and Government were satisfied that they were taking no risks in advancing that

amount, they might be pleased to accept the representation.

Mr. K. T. BHASHYAM AIYANGAR said that in the case of coffee which was a special crop of an industrial nature, it was the duty of the Government to save it from ruin. The planters were unable to take care of the industry which was passing through a very critical period, and requested Government to extend some special relief. This could be done by Government granting loans up to Rs. 10,000 or to the full extent warranted by the crops to be accepted as security. There was some difference of opinion about the advisability of adopting the second course, in view of the fact that this might needlessly interfere with the interests of private creditors. As regards the former course, the speaker did not see any reason why it should not be adopted as a means of saving the industry. It looked to him that, reserving details for separate consideration, Government might announce that they would be prepared to grant loans more liberally. He was of opinion that the question could be discussed at any length, but that would not satisfy the just needs of the planters. If the Government could sympathetically consider the question of granting loans more generously, all concerned would be amply satisfied.

Mr. S. P. RAJAGOPALACHARI, in replying to the discussion, said that this question had already been considered at great length and with all the care and sympathy it deserved and the opinions of all the concerned officers also consulted. Even the existing system of granting *takavi* loans had been sanctioned solely with the object of helping the coffee growers, and this in itself ought to be sufficient to show how much the Government were interested in the industry. As a matter of fact, several planters had been helped with liberal loans. But the question whether loans should be advanced on the security of the crops was one, as pointed out by the previous speaker, on which there was bound to be some difference of opinion and one which was sure to lead to difficulties in all cases of prior encumbrance. Even if the consent of previous mortgagees was taken, Government could not light-heartedly set aside all claims recognised by civil courts. It was after taking all these aspects into consideration that Government had framed the rules which were now in force. The representation of the planters virtually amounted to saying that Government should do things favourable only to the planters, but Government, knowing that this if accepted would affect the rights and interests of others, could not in reason accede to it. Every impartial administration should treat all interests alike and extend equal treatment and protection to all concerned.

So much for the question relating to issuing loans on the security of crops. As regards raising the limit of loan amounts, it was essentially a question of practical politics. After providing for numerous other demands, Government had decided to allot the maximum amount possible for the purpose of granting loans to planters; and having done it, it was their object to distribute the grant among as many applicants as possible. It was found, from the figures relating to grants actually made, that a very large number of loans issued were less than Rs. 5,000 and if, as now requested, very much larger loans were to be issued, the benefit would be confined to only a few persons and all others would have to go without help however deserving. The object being that a large number of planters should be helped, reason dictated that the present limit of Rs. 5,000 should continue to be adhered to in future also. Personally, the speaker believed that, even apart from other considerations, Rs. 5,000 was a reasonable limit. If, however, it became necessary to exceed this limit in particularly special cases, and funds were available out of sanctioned grants, Government would certainly consider them with the utmost sympathy.

No. 36.—Non-payment of *miras* by Shanbhogs to Totis, Talaris and Nirgantis.

Mr. K. SIDDALINGAPPA (Koratagere Taluk).

On behalf of the mover, **Mr. Rayara KEMPANNA** brought to notice that

patels and shanbhogs, who were the village officers, were not promptly paying the *miras* due in respect of their lands to Totis, Talaris and Nirgantis who were their subordinates and prayed that Government be pleased to strictly insist upon the prompt payment of *miras* to them. He added that these servants were important parts of the administrative machinery and that it was not fair to keep them in want while taking their services for the most important work of collection of revenue. The question, no doubt, had come up for consideration many times in the past but it was clear that those in favour of it had failed to make an impression on the mind of the Government. This was the reason why the same subject had again come up and the speaker hoped that at least now the Government would make up their mind to issue orders that *miras* must be paid regularly by every one concerned, or in the alternative, that the system itself be dispensed with all over the State, a monthly salary of Rs. 10 being fixed for each of the three classes of village servants.

Mr. H. KRISHNAMURTHI ACHAR, however, thought that no such order was necessary and that the village servants should receive the *miras* given to them.

Mr. N. HANUMANTHAPPA represented that as a matter of fact, *miras* was not being paid in a majority of cases, so that some systematic arrangement was urgently called for. The village servants in question were so poor and humble that their wants and grievances often went uncared for by the local officers. They rarely ventured to wait on the higher officers and represent their case. In a word, their position was as bad as ever and would continue to remain so unless the Government made up their mind to succour these helpless people. It was unfortunate that their services were availed of by everybody while their interests were cared for by none. He therefore appealed to the Government to instruct the village officers to insist on every landholder in the village to pay the prescribed *miras* to each of the said servants.

Mr. MAHOMED HUSSAIN observed that it would be wrong for anyone to say that *miras* was not being paid at all. The representation related to shanbhogs and patels in particular: and so far as they were concerned, most of them paid *miras*, and barely any failed to do so. If at all, it might be that some gave it in the shape of grain while others gave food or clothing instead. There was thus no room for just complaint. He suspected that it was only a few persons who did not like shanbhogs and patels that complained against them, and perhaps also set up Totis and Talaris to do likewise.

Mr. A. M. CHANNAMARE GOWDA also opposed the representation as the complaint which it implied was not so general as was sought to be made out.

Mr. HANUMANTHIAH was pained to see that any member of the House should characterise this representation as untrue to facts. He was personally aware that *miras* was not being paid in many cases. No doubt, under the Revenue Manual, it was open to the aggrieved parties to bring it to the notice of the higher officers if *miras* was not paid in any case, but the secret of it was that conditions would be made hot for anybody who ventured to complain against the village officers or even against other agriculturists who were all well placed as compared with the village servants. This was the main reason why so many of these unfortunate men preferred to submit to their lot quietly. But that would not justify the House or the Government assuming an attitude of indifference towards this important question. Members of the House ought to remember that in taking the Oath of Allegiance, they had taken a vow not only to serve His Highness the Maharaja, his heirs and successors loyally, but also to discharge their duties without fear or favour. Such being the case, it was not fair for anybody to say that the representations which their own colleagues made abounded in untruths or exaggerations. It was true, he repeated, that many persons were not paying *miras* to Totis and Talaris who, in a sense, were more responsible for revenue collections than

even Revenue Inspectors and Amildars, and in many instances they were expected to do very hard work. In fact, in certain cases, there was only one Toti and one Talari for several villages together. It was a pity that such an obedient and hardworking set of people were not kept above want by the community at large. If at least some lands were given to them as inams, they would have had no grievance as in the case, for example, of the Madras Presidency, but in the absence of it, if the landowners also did not willingly go to their help it would be most unjust. In this view, the speaker prayed that Government should be pleased to see that either *miras* was paid to the village servants regularly, or that a system of monthly salary was substituted.

Mr. K. RAMANNA, who was against the proposal contained in this representation, observed that the system of paying *miras* to Totis and Talaris might have been justified in olden days when the said persons were giving their services not only to the villages as such but also to individual residents as well as to the Government. But, he said, times had changed and the village servants no longer depended for their maintenance on the grain given by the villagers, especially after the Government provided for their special encouragement in various directions. And, to the extent that village servants were indifferent to communal service, the villagers also became indifferent to providing food for those persons. That the village servants were themselves responsible for such a state of affairs was evident from the fact that the practice of giving *miras* was in vogue even at the present time in all the villages where they were still giving their service to the community. It would be wrong to say that in any case, service was being taken but *miras* was not being given. On the contrary he could cite instances of some of their village servants enjoying *inamties* and yet being of no service to anybody, not even when the shanbhog or patel required them for urgent purposes. Their entire out-look had changed and it was no use expecting them to render service any longer. If in spite of it the Government wanted to be sympathetic to the said servants as a class, they might as well think of granting *inamties* to all of them, instead of seeking to compel villagers and village officers to give them *miras* without any return whatever.

The House rose for lunch at this stage and reassembled at 3-30 p.m.

No. 37.—Prompt payment of *potgi* to the village officers.

Mr. MAYI GOWDA (T.-Narsipur Taluk).

Mr. MAYI GOWDA represented that patels and shanbhogs were responsible officers of Government and were discharging various duties of Government. For these services, they were being paid *potgi* which was more an honorarium or bonus. In spite of their honesty, zeal, and efficiency of work, there had been many instances in which *potgi* was withheld on account of short collections. Even for other reasons, in some cases, payment was not made for a number of years. This was detrimental to their self-respect, and many of the village officers were finding it difficult to eke out their livelihood. More than all, they were losing all enthusiasm for work for want of full reward for their labours throughout the year. As payment of *potgi* was only an honorarium, he prayed that Government be pleased to make arrangements for its prompt payment to the village officers every year.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) enquired if the mover meant to suggest that *potgi* should be paid irrespective of whether the village officers discharged their duties satisfactorily or not.

Mr. MAYI GOWDA replied that if they did not work regularly, the collection work would suffer. As a matter of fact collections were satisfactory, which showed that the village officers were working with great zeal. In spite of it, sometimes the collections might not be up to mark; but on that account, he represented that the village officers should not be made to suffer. At that rate, he feared that the salaries of

Revenue Inspectors and Amildars also would have to be similarly withheld because they were also responsible for making satisfactory collections.

Mr. S. P. RAJAGOPALACHARI observed that *potgi* would never be withheld for the mere reason that collections were poor. If at all it was withheld in any case, it must be due to other reasons.

The REVENUE COMMISSIONER (Mr. K. V. Anantaraman) said that the complaint that *potgi* was not paid regularly did not seem to be so general, since no such complaint had reached him during his numerous tours in the districts. He added that it was not honorarium that the village officers were getting as was stated by the previous speaker, but it was remuneration for the work done by them. If the collection was not satisfactory, not only the village officers but the Revenue Inspectors and the Amildars also would be dealt with severely. He did not see any reason behind the argument that payment should be made even when the collection work was unsatisfactory. And, on the point whether these village officers had discharged their duties satisfactorily or not, the Deputy Commissioner's report alone was the basis to be relied on and action could be taken by the Government only on that basis.

The DEPUTY COMMISSIONER, MYSORE DISTRICT (Mr. M. G. Mehkri) enquired in how many villages *potgi* had been withheld.

Mr. MAYI GOWDA represented that in many villages of the T.-Narsipur Taluk, *potgi* had not been paid for the last five years. In Bannur Village alone, the arrears amounted to nearly Rs. 300 for the years 1934-35 and 1935-36. Perhaps the collections were less during those years, but the arrears had been collected during the succeeding years. All the same the *potgi* had not been paid as yet, although orders had been passed several years ago that all arrears should be paid.

Mr. M. G. MEHKRI promised to enquire into the matter if the member gave him a list of villages in respect of which *potgi* had been withheld.

Mr. S. RANGARAMIAH said that as a general rule, the patels and shanbhogs were experiencing great hardship at the time of *jamabandi*. What those difficulties were could only be appreciated if the higher officers paid surprise visits at the time of *jamabandi*. And during the collection season, they experienced peculiar difficulties at the time of making remittances. The Taluk officials would not receive the amount promptly unless they were kept in good humour by the village officers. They would tell them that orders had been received from the Deputy Commissioner that the fixed travelling allowance of the Amildar should not be paid, that the pay of the Revenue Inspector had not been disbursed, and that the *potgi* of the village officers also should be withheld. The village officers had no means of verifying how far this was true. He said that it would be most unfair to treat these poor people who toiled for Government throughout the year in this manner. In mentioning these difficulties, he had in mind the case of T.-Narsipur Taluk in particular, but the complaint was in no sense confined to that one taluk. He felt that the question required investigation at the hands of Government with a view to giving relief to the village officers.

Mr. CHANNAMARE GOWDA, in further supporting the representation, said that in most cases all that the village officers got by way of *potgi* was not sufficient compensation for even a day's work, and no useful purpose would be served by withholding such small sums. At the same time, by their *potgi* being withheld, their self-respect would be wounded unnecessarily. Many of them were clinging to their posts merely for the satisfaction of holding the hereditary office and not for the sake of the scanty *potgi* they got. If their work was found to be unsatisfactory, Government might punish them in other ways than by withholding *potgi*. Even if the *potgi* was paid, much of it would be frittered away in various ways before they could leave the taluk offices. This was the main reason why in many cases the village

officers were requesting that the *potgi* amounts due to them might be adjusted towards the land revenue payable by them on account of their own lands. But if the *potgi* was not paid, they would have to pay the land revenue in cash which they could not afford to do. Secondly, with a view to showing a high percentage of collection, the Amildars were in the habit of compelling the village officers to make entries in their cash books as if all the land revenue demand had actually been collected from the khatedars. Once that was done, the village officers had necessarily to pay from their pockets whatever amounts could not be collected from the parties. And, if they failed to remit the full amount to the treasury, they were prosecuted for misappropriation. In the midst of so many hardships and grievances, if the village officers were not given even their *potgi* which was their legitimate due, it would be most unfair to them. The speaker therefore requested that Government should be more sympathetic in dealing with these village officers.

Mr. SYED KHAJA PEERAN said that in most cases the village officers were requesting the revenue officers to adjust their *potgi* towards the assessment due from them, so that every year, their claim for *potgi* could be automatically adjusted. So he did not believe that it would be correct for anybody to say that *potgi* was always in arrear. As regards Amildars compelling village officers to remit to the treasury the amounts they had collected from the raiyats, he did not think that there was anything wrong about it. For these reasons he thought that there was not much substance in the remarks of the previous speaker.

Replying on behalf of Government, **Mr. S. P. RAJAGOPALACHARI** observed that the remarks made by the previous speaker were of too general a nature. Personally he preferred to provide the House with a few facts rather than occupy its time with a number of similar generalisations. And for this purpose, he would invite the attention of the House to page 29 of the budget estimates of the current year wherein mention had been made of the amount of remuneration paid to shanbhogs and patels. The figures were:

	Rs.
Accounts for 1936-37 ...	10,61,174
Budget Estimate for 1937-38	10,55,000
Revised, 1937-38 ...	10,57,000
Budget Estimate for 1938-39	10,57,000

He understood from the Comptroller that the Accounts for 1935-36 was Rs. 10,73,000 and for 1936-37 Rs. 10,61,000. He also quoted figures for the previous 10 years and added that from a perusal of all those figures, one could say without any hesitation that *potgi* was being paid to village officers before the close of the year in almost every case and the undisbursed balance was almost infinitesimal. It was only under extraordinary circumstances that payment was withheld if at all, and even in such cases, the *potgi* was being adjusted at the time of the last *khist*. If the amount was not paid before the close of the concerned year, the Taluk officials themselves were likely to get into trouble, because if the amount was proposed to be paid in the following year there would be no provision, and special sanction of Government would have to be obtained when their explanation as to why payments were withheld during the previous years would naturally have to be furnished to the satisfaction of the superior officers. To avoid all that trouble, the local officers would be anxious to meet all *potgi* claims before the close of each year.

It might be that the *potgi* was sometimes adjusted towards the land revenue amounts collected by the village officers but not remitted to the treasury. But that would be done only in very rare cases and with the consent of the village officers concerned. Government did not want unnecessarily to withhold any amounts due to village officers.

Mr. T. MARIYAPPA represented that the village officers should never be compelled to show uncollected amounts as collected and to pay up such amounts by adjustment of the *potgi* due to them.

Mr. S. P. RAJAGOPALACHARI agreed to this suggestion.

Mr. S. RANGARAMIAH suggested that a circular be issued to the effect that all *potgi* claims should be met only by cash payments and not by adjustments of accounts as already brought to notice or withheld for any reason. If the work of the village officers was unsatisfactory in any respect, they might be suitably punished in other ways.

Mr. G. MALLANNA said that the only complaint seemed to be that certain *potgi* amounts due for the year 1934-35 had not been paid in a particular taluk. If that was so, he requested that action be taken to pay off the amounts without further delay.

Mr. S. P. RAJAGOPALACHARI promised to look into the matter.

No. 38.—Raising the scale of *potgi* to village officers where Record of Rights has been introduced.

Mr. K. RAMANNA (Holenarsipur Taluk) and all the members of the Hassan District.

Mr. K. RAMANNA represented that after the introduction of the Record of Rights scheme, the work of the village officers had increased enormously. Even if they worked throughout the year, the work could not be brought up to date. In spite of their doing very hard work; the *potgi* payable to them had remained stationary. The scale of *potgi* had been fixed centuries ago when conditions were altogether different from what they were at the present day. The village officers had ceased to enjoy many of the amenities which they were enjoying in the past, and this was an additional reason why they could not make both ends meet with the help of the *potgi* they were getting. For this and for other reasons the village officers had also lost the little self-respect they had; their work had increased enormously and there was also a feeling creeping into their minds that they were neglected in the matter of village improvement works and people who had no stake in the village were being entrusted with the works on a contract basis. So they had lost all enthusiasm for work and were content with confining their attention to collection work only. And if even then they could not do all the work expected of them, it only showed that the expectation was indeed too much. At least as a matter of inducement for further good work if they were entrusted with village improvement works, the speaker hoped that things would improve. Besides, the village officers were men with a stake in their villages and they would work heart and soul, so that the progress achieved would be substantial. But apart from questions of enthusiasm and inducement, the fact remained that the work expected of village officers was both heavy and onerous and the *potgi* paid to them was disproportionately low. He therefore requested that at least in places where the Record of Rights scheme had been introduced the scales of *potgi* be enhanced. He appealed to Government not to advance the plea of want of funds in respect of this matter. After all, village officers were the most important part of the machinery of village administration as well as of land revenue collection and in this view, any amount of money incurred on the amelioration of their condition would be justifiable.

Mr. CHANNAMARE GOWDA, in supporting the representation, said that village officers were generally treated with scant courtesy by Government officers. The village officers had also the additional grievance that all sorts of fresh responsibilities were being tacked on to them, especially to patels. They had to attend to revenue work; they had to report to higher authorities any criminal offences committed within the village; if a person died under suspicious circumstances, they had to bring this matter to the notice of the police and keep watch till the police arrived and took up the necessary investigation; and they had to discharge numerous other duties, all for a paltry remuneration. They were clinging to these posts merely because of some imaginary respect attaching to the offices. But a sympathetic and business-like Government ought not to take advantage of this and keep the poor men underpaid for all time. He requested Government to consider the representation with special sympathy

and give some relief to village officers in all cases if possible, otherwise at least in those taluks in which the Record of Rights scheme was in force.

The REVENUE COMMISSIONER (Mr. K. V. Anantaraman) said that while the representation before the House was that in taluks wherein the Record of Rights scheme had been introduced the *potgi* of village officers should be enhanced, the discussion on it had gone much beside that question. According to rules, the village officers were entitled to a remuneration of six pies for each item of entry to be made by them under the Record of Rights scheme. So no free service was expected of them in this connection. As regards collection of land revenue, it could not be said that it would keep the village officers engaged throughout the year; and if the permanent demand increased, the *potgi* also would be enhanced correspondingly. The statement made by the mover that even if the village officers worked for all the 24 hours every day their work could not be completed, was an exaggeration, and he did not think that the existing state of affairs was so hard or so unsatisfactory.

No. 39.—Reduction of Measurement fees.

Messrs. H. S. SURYANARAYANA RAO, K. T. BHASHYAM AIYANGAR, B. M. MUNISWAMAPPA and V. VENKATESAIYA (Special Interests); **T. THIMMARAYAPPA** and **Patel HONNASIDDAIYA** (Magadi Taluk); **T. MADIAH GOWDA** and **M. SIDDE GOWDA** (Channapatna Taluk); **B. CHOODE GOWDA** and **M. B. GURULINGIAH** (Closepet Taluk); **C. N. NARASINGA RAO** (Bangalore City Municipality); **K. NARAYANA SETTY** (Magadi Municipality); **S. KARIAPPA** and **Gurukar VENKATARAMANE GOWDA** (Kankanhalli Taluk); **A. M. VENKATASAMIAH** (Closepet Municipality); **N. APPANNA REDDY** (Bangalore Taluk); **A. HANUMANTHARAYAPPA** (Devanhalli Taluk); **Patel HANUME GOWDA** (Dodballapur Taluk); **B. MALLAPPA** and **A. M. CHANNAMARE GOWDA** (Nelamangala Taluk); **K. P. PARASIVIAH** (Kankanhalli Municipality); **S. SHARABHANNA** (Anekal Taluk); **Shampur PAPANNA** and **S. MUNIVENKATAPPA** (Minorities).

No. 40.—Reduction in the rate of *Phod* charges.

Messrs. K. MADHAVA RAO and **Kumbatti BYRA NAIK** (Nagar Taluk); **L. SIDDAPPA** and **K. G. VEERAPPA GOWDA** (Channagiri Taluk); **Patel LINGAPPA** and **Jogada SIVARUDRAPPA** (Honnali Taluk); **Suranagi SIDDABASAPPA** and **B. KADAPPA** (Shikarpur Taluk); **GURUNATHA KRISHNA NADIGA** and **Kolagunasi HOLEYAPPA** (Sorab Taluk); **Vakil VENKATAGIRI RAO** and **Kanle VENKATAGIRI RAO** (Sagar Taluk); **Tudki RAMANNA GOWDA** and **S SUBBA RAO** (Tirthahalli Taluk); **K. GADLABASAPPA** (Kumsi Sub-Taluk); **Nawab SHER KHAN** and **N. HANUMANTHAPPA** (Minorities); **Bhupalam R. CHANDRASEKHARAIYA** (Shimoga Municipality); **Puranada KOTRAYYA** (Shikarpur Municipality); and **BASAPPA** (Shimoga Taluk).

Mr. H. S. SURYANARAYANA RAO brought to notice that wherever the Record of Rights scheme had been introduced, a measurement fee of Rs. 3 per *hissa* was being levied. Though this amount was not a heavy sum for well-to-do land-owners, it was working as a great hardship on the poorer people having small holdings. If a small holding had to be sub-divided among 4 or 5 brothers, a very heavy amount would have to be paid as phoding charges. Again, if one *hissa* was sold or otherwise alienated, and the transfer was to be got registered, it would be measured once again, and for this a sum of Rs. 3 per *hissa* again demanded. Such cases, the member said, were on the increase year after year and it was necessary to reduce the measurement fee to Rs. 1-4-0.

The REVENUE COMMISSIONER (Mr. K. V. Anantaraman) replied that at the time of introducing the Record of Rights, surveys would be made and for every *hissa* marked, the fee would be Rs. 1-4-0. But if in any case *hissas* were marked after a final notification, a fee of Rs. 3 per *hissa* had to be paid and this was considered quite a reasonable fee as the survey party would have to be sent all the way from the Taluk Office to the concerned village with all the things necessary for measuring and demarcation. So, this rate, he said, should not be compared with the scale of fees prescribed for making a Record of Rights as part of the preliminary survey operations in connection with which the entire survey party would be present on the spot in the usual course.

Mr. H. S. SURYANARAYANA RAO suggested that the classer attached to each taluk might be directed to look after this work.

Mr. K. V. ANANTARAMAN feared that it might not be possible to do so and even if it was done, the work was not likely to be done satisfactorily. Even as things stood, the department was finding it necessary to entertain some more surveyors for normal work, and in that connection it was found that with anything less than the existing scale of fees, *viz.*, Rs. 3 per *hissa*, the scheme might not prove to be self-supporting.

Mr. H. S. SURYANARAYANA RAO said that if the present high rates were continued, it would frustrate the very object of the Record of Rights Scheme, because people, due to their inability to pay the fees, might not promptly get their transactions entered in the Record of Rights registers with the result that the same uncertain state of affairs as existed prior to the introduction of the scheme might come to prevail once again. In addition to the high assessment which the raiyats originally paid, many additional items of expenditure had recently come to be imposed and they were unable to pay all of them. For these reasons, he requested that the rates in question be reduced to Rs. 1-4-0 as prayed for in the representation.

The speaker also brought to notice that even for several months after payment of the measurement fees, lands were not being measured and the records were being held up in the Taluk Office on the ground that the classer was not available. He requested that this defect be remedied as early as possible.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) observed that, as already pointed out by the Revenue Commissioner, even with the existing rate of Rs. 3 per *hissa*, all the expenses of the department could not be met and for this reason it would be difficult to reduce the scale.

Mr. T. MARIYAPPA represented that the entire question be looked into sympathetically and the rates reduced at least to some extent.

Mr. S. P. RAJAGOPALACHARI said that the request would be considered once again.

Mr. K. M. KRISHNAPPA GOWDA agreed that sending a Measurer to a village all the way from the Taluk Office in connection with a single case, would necessarily cost the department much and a high enough fee might be justified in such cases. But at the same time, it was true that the raiyats deserved some consideration. Otherwise, if there were 12 *hissas* in a survey number, a fee of Rs. 36 would have to be paid which the raiyats could certainly not afford. He therefore requested that in cases where the number of *hissas* was large, at least some concession should be shown to the parties.

Mr. S. P. RAJAGOPALACHARI observed that in the case of dividing the land into a large number of sub-divisions, he would consider the question of reducing the rate without delay. But as regards the representation in general, he stated that the *hissa* survey had not come into force throughout the State. When that happened, and Government were in a position to ascertain the actual cost incurred on account of the scheme, Government would see how far the rate could be reduced.

No. 41.—Prohibition of foreign lottery tickets.

Messrs. B. CHOODE GOWDA and **M. B. GURULINGAIAH** (Closepet Taluk); **T. THIMMARAYAPPA** and **Patel HONNASIDDAIYA** (Magadi Taluk); **T. MADIAH GOWDA** and **M. SIDDE GOWDA** (Channapatna Taluk); **C. N. NARASINGA RAO** (Bangalore City Municipality); **K. NARAYANA SETTY** (Magadi Municipality); **S. KARIAPPA** and **Gurukar VENKATARAMANE GOWDA** (Kankanhalli Taluk); **A. M. VENKATASAMIAH** (Closepet Municipality); **N. APPANNA REDDY** (Bangalore Taluk); **A. HANUMANTHARAYAPPA** (Devanhalli Taluk); **H. S. SURYANARAYANA RAO, K. T. BHASHYAM AIYANGAR, B. M. MUNISWAMAPPA, V. VENKATESAIYA** (Special Interests); **Patel HANUME GOWDA** (Doddballapur Taluk); **B. MALLAPPA** and **A. M. CHANNAMARE GOWDA** (Nelamangala Taluk); **K. P. PARASIVIAH** (Kankanhalli Municipality); **S. SHARABHANNA** (Anekal Taluk); **Shampur PAPANNA** and **S. MUNIVENKATAPPA** (Minorities).

Mr. B. CHOODE GOWDA represented that the sale of lottery tickets was at first confined to cities only, but of late

commission agents were visiting the villages and canvassing sales from door to door. The value of these tickets ranged from annas 4 to Rs. 10 or more per ticket. Considerable wealth of the State was being drained off as a result of the sales of these tickets. When requests from the District Boards in the State for permission to start lotteries were being refused by the Government, it was surprising that sales of foreign lottery tickets were going on without any fear or restriction. It was high time that a law was enacted to put a stop to it effectively.

Mr. S. C. BELURIAH supported the representation.

Mr. K. T. BHASHYAM AIYANGAR, in further supporting the representation, said that large sales were going on in the State in connection with various foreign lotteries like the Derby Sweep, the Hospital Sweep Stake, etc. He was himself getting ticket books for canvassing sales, and in many cases special baits were offered, such as earmarking of a percentage of the collections for a charitable purpose like the construction of a hospital or nursing wards, etc. So far as the general public were concerned, they went in for tickets in the hope that some day they might get the highest prize and suddenly find themselves to be wealthy men. In fact there were some who in such hope were purchasing tickets regularly every month. They argued within themselves that their loss would not be much if they did not win a prize, but if they did, they would get lakhs of rupees. That sort of a mentality had to be greatly deplored because, in principle, all lotteries amounted to gambling, which every administration ought to discourage. It was a fact that many petty merchants, clerks, and even students had got into the habit and were being ruined. If it was only a few that were being ruined, perhaps the State would have been justified in assuming an attitude of indifference in the matter. But as a matter of fact, the evil was widespread and was growing from day to day. For this reason, the question assumed considerable importance and State interference had become as necessary as urgent. The general public were being duped in many ways. For example, the value of the tickets sold was not being remitted to the head office by the concerned agents, with the result that those tickets were never in question at the time of drawing. The question had therefore to be looked at not only from the economic but also from the psychological point of view. If the local bodies in the State wanted to start a lottery, Government were not according sanction to it. Ideally, such an attitude on the part of the Government was praiseworthy. But at the same time, as a question of principle, he was unable to understand why the Government were allowing sales of foreign lottery tickets in the State. He was definitely of opinion that it was high time that this was stopped at once and so much of economic waste to the State as well as to its subjects effectively prevented.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) observed that the suggestion made in the representation was quite a good one. Government had already considered this question for some time past, but found that there were practical difficulties in enforcing legislative action just as in the case of preventing outside insurance companies from doing business in the State. In certain cases, lotteries might be authorised by the concerned Governments, but there were also others which were not unauthorised. But whether authorised or unauthorised, as soon as they entered the State limits, they would become unauthorised unless the Mysore Government also permitted them. Under Section 294A of the Indian Penal Code as in force in Mysore, provision already existed for dealing with lotteries not authorised by Government. But the idea of the State Government was to enforce the law after taking action in certain directions. There were High Court decisions to the effect that unless specific action on certain lines was taken beforehand, a case might not come under the said section at all. In spite of such decisions, action had not yet been taken because of certain con-

siderations. The Penal Code itself might have to be amended, but the questions engaging attention at the present moment were how far that could be done and how far it was really necessary. Another delicate question involved in the case was the desirability of refusing permission for sales, within the State, of tickets connected with lotteries which enjoyed recognition at the hands of other Governments. Bearing all these aspects in mind, Government would consider what action should be taken in the matter.

Mr. MIRZA M. AZIZULLA BEIG brought to notice that people were wasting lots of money on cross-word puzzles and requested that those competitions also be treated as lotteries and prohibited by means of legislation.

Mr. S. P. RAJAGOPALACHARI observed that cross-word puzzles represented altogether a different type of lottery, and separate legislation would be required to prevent them. But more urgent than that was the question of taking action to prevent lotteries which were already prohibited elsewhere. For instance, in England, the sale of Irish Sweep Stake tickets was prohibited. Even in such a case the Government could not all at once prevent sales of those tickets within the State, without considering the *pros* and *cons* of taking such a step. But he would assure the House that Government would consider what action was called for and take such steps as they might be advised to take. Having said this, the speaker emphasised that this was not a matter in which the desired results would follow if the Government alone took action. It was necessary that the public also exercised self-restraint in a large measure in the matter of purchasing lottery tickets.

Mr. RAMASESHA SASTRI pointed out that in some places, local officers were in the habit of getting agents and sending round tickets, which practically amounted to compelling people to purchase them. He requested that this tendency on the part of the officers should be discouraged by the Government.

No. 42.—Reduction of fees on the Gun Licences and licensing Shikmidars.

Mr. H. A. DEVA GOWDA (Chikmagalur Taluk).

Mr. H. A. DEVA GOWDA represented that taking into consideration the present economic condition of the raiyats, the recently enhanced gun licence fees be reduced to the old level, that shikmidars also be allowed to obtain licences and that the newly imposed condition of producing the guns before the Government officers at the time of the renewal of licences be discontinued.

Mr. B. P. BASAPPA SETTY supported the representation and requested that Government be pleased to accede to it in view of the fact that this question was coming up before the House at almost every session. After all, the Government were not getting much revenue by way of licence fee. While the income to the Government as a result of the recent enhancement was nothing very much, the protection afforded to life and property had certainly been curtailed as many could not pay fees at the enhanced rates.

Continuing, the speaker represented that many khatedars had entrusted their lands for cultivation to their tenants who had no weapons of their own for protecting the crops from the havoc caused by wild animals. He requested that they should also be empowered to possess guns.

He then brought to notice that whenever a licence had to be renewed, the owners had actually to produce their guns before the officer. But carrying the weapons over long distances was a great hardship to them. Besides, once they produced the weapons before the officers, they were being made to wait for some time before they got their guns back. In view of these hardships, the member requested that actual producing of weapons need not be insisted upon. It might be argued that the officers renewing the licences should first satisfy themselves that the weapon was in the actual possession of the licensed person and that it was kept in proper condition. But in the speaker's opinion such verification was quite unnecessary

and no special object would be gained by insisting that guns should be brought to the taluk office every time the licence had to be renewed.

Mr. G. SHANKARA SETTY said that there was no need to reduce licence fees at all as very few people had guns at the present day. Nobody was anxious to own a gun because, according to the recent order, the length of the barrels would be cut down to 12 inches and for that reason, the weapons would hardly be effective, either for purposes of self-protection or for protection of crop. As a matter of fact, the guns already in the possession of the raiyats had been deposited in the taluk offices and the owners were not over-anxious to get them back for the said reason. This subject had come up for discussion at a previous session of the Assembly and Government had promised to reconsider the order about reducing the length of the barrel, but so far no action seemed to have been taken by them in the matter.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) said that as promised during the last session of the Assembly, the Government had reconsidered the question of not reducing the length of barrels of guns and come to the decision that they should revert to the previous practice of allowing the usual length of 24 inches. They would issue orders very early to that effect. With that concession, the speaker hoped, the House would rest content for the present, instead of pressing for a reduction of licence fees also immediately. The fees were raised with the only object of discouraging poaching and on the recommendation of a special committee appointed to revise the Game Laws. As regards protection of crops, however, free licences would continue to be issued under Form XI as in the past. For these reasons he thought that no hardship would be caused to the raiyats by the existing scale of fees.

Mr. Rayara KEMPANNA requested that instructions might be issued to the taluk offices to return to the owners the guns lying there in deposit. He also said that he had heard that in future only those who were paying an assessment of Rs. 50 or more would be entitled to gun licences. If that was so, it would work as a great hardship upon the raiyats. He therefore requested the Government not to impose any such restriction.

Mr. B. P. BASAPPA SETTY enquired what the attitude of the Government was in respect of the request made in the last portion of the representation, *viz.*, not insisting on the raiyats actually producing the guns before the officers at the time of renewing the licence.

Mr. S. P. RAJAGOPALACHARI observed that it was very necessary that the weapons should be produced at the time of renewing the licences. That would enable the officers to assure themselves that the licence-holders themselves were in actual possession of the weapons. Otherwise it would be difficult to find out whether a person continued to have the weapon or had sold it away.

Mr. RAMASESHA SASTRI supported the view that the weapons should be produced at the time of renewing the licences.

Mr. B. P. BASAPPA SETTY said that instead of that, the revenue officers might examine and satisfy themselves during their *jamabandi* work, whether all such weapons were with the actual owners or not.

Mr. S. P. RAJAGOPALACHARI replied that revenue officers had to attend to too many things during *jamabandi* and that it was not advisable to tack on this duty also. Besides, the work of *jamabandi* had nothing to do with the examination of weapons. With regard to non-imposition of restrictions, as suggested by one of the earlier speakers, he observed that in every country there were some restrictions as regards fire-arms. It was not possible to do away with all restrictions.

Mr. ALFRED MIDDLETON said that it was absolutely necessary to insist on weapons being produced before the officers at the time of renewing licences. A gun might not weigh more than 7 or 8 lbs., after all, and it was not a very difficult task to carry it to the taluk

office. In the absence of a restriction in this behalf, the officer would not know whether the person was in actual possession of the weapon or not at the time of the renewal of licence. He had known of a case where for one and the same gun there were as many as 10 licences, held by different persons. To obviate such things he suggested that each gun must be given a number and that number should be entered in the relevant licence. He also suggested that before actually granting a renewal, the Amildar should make some enquiries with a view to verifying whether the applicant was really the owner of the weapon. These suggestions were made, he said, because in the Kadur District alone, there were as many unlicensed weapons as licensed ones.

Mr. S. P. RAJAGOPALACHARI observed that it was for that reason that the rules on the subject would have to be strictly enforced.

No. 43.—Selection of Non-Official Visitors for the Inspection of Jails, etc.,

Messrs. K. NARAYANA SETTY (Magadi Municipality); **T. THIMMARAYAPPA** and **Patel HONNASIDDAIYA** (Magadi Taluk); **T. MADIAH GOWDA** and **M. SIDDE GOWDA** (Channapatna Taluk); **B. CHOODE GOWDA** and **M. B. GURULINGIAH** (Closepet Taluk); **C. N. NARASINGA RAO** (Bangalore City Municipality); **S. KARIAPPA** and **Gurukar VENKATARAMANE GOWDA** (Kankanhalli Taluk); **A. M. VENKATASAMIAH** (Closepet Municipality); **N. APPANNA REDDY** (Bangalore Taluk); **A. HANUMANTHARAYAPPA** (Devanhalli Taluk); **H. S. SURYANARAYANA RAO, K. T. BHASHYAM AIYANGAR, B. M. MUNISWAMAPPA** and **V. VENKATESAIYA** (Special Interests); **Patel HANUME GOWDA** (Dodballapur Taluk); **B. MALLAPPA** and **A. M. CHANNAMARE GOWDA** (Nelamangala Taluk); **K. P. PARASIVIAH** (Kankanhalli Municipality); **S. SHARABHANNA** (Anekal Taluk); **Shampur PAPANNA** and **S. MUNIVENKATAPPA** (Minorities).

Mr. K. NARAYANA SETTY represented that Mr. Veerakesari Seetharama Sastry and others who had been in jail for some time had, after return, given their experiences of jail life in the *Navajivana* newspaper. Neither the Government nor the Publicity Officer nor the Inspector-General of Prisons had so far contradicted the statements and allegations contained in that article. So the presumption was that all that had been stated in the journal was correct. If the existing defects in jail administration should be remedied, the present system of nomination to the Board of Visitors to Jails should be changed and members from the Representative Assembly and the Legislative Council appointed thereto. He also suggested that for district lock-ups, members of the House representing the district concerned, and for other lock-ups, other persons of standing who were residents of the district headquarters, should be appointed. By adopting the suggestion made, it would be possible for the Government to ascertain the defects existing in the administration of prisons. The speaker himself was once in the Closepet lock-up. It was not until the Deputy Commissioner inspected the lock-up that the defects in it were remedied. Though Closepet had been selected as a health centre, yet the kitchen as well as the latrine attached to that lock-up were located side by side. There were many cases of that kind in different parts of the State and it was necessary that the defects existing in all of them should be set right. This, he hoped, would best be done by replacing the system of nomination by election from the various bodies mentioned.

Mr. R. GOPALASWAMI IYER said that, as the Representative Assembly, the Legislative Council, the District Boards and the Municipalities would be reconstituted once in three years, while the boards for the lock-ups and prisons were due to be reconstituted once in two years, the terms of office of the different sets of bodies were not coterminus. In other words, the arrangement suggested by the previous speaker would entail bye-elections very frequently, and the practical question for consideration would be as to which body—whether the Representative Assembly or the Legislative Council, or both—should meet for the purpose, or how else should the elections be held. So far as the Boards of Visitors were concerned, the practice throughout India was to select a particular class of people, because they would

come to know of many things which ought not to be divulged to an outside world. Also, the persons appointed as members ought to be persons who could create on the minds of the prisoners the impression that they were genuinely interested in their welfare and were determined to act as their friends and guides. It would be no use speaking to a murderer about high principles like the sanctity of human lives, or to a dacoit about the sinfulness of committing theft, and so on. Dealing with prisoners was not an ordinary thing, and rubbing any one of them on the wrong side would be as dangerous as smoking near a gun-powder magazine. Any member of the Board should be equally willing and also equipped to sympathise with the bad, the mad, and the sad men, to treat all alike, in such a way as to comfort them and make them feel that they would be better citizens in future. In a word, human understanding and a sympathetic attitude were the most essential qualifications of any member of a Board of Visitors. That was his experience of the duty of a Board of Visitors, on the basis of his own work for 15 years past. And it was also his experience that it was difficult to secure the best men by any means other than nomination. Besides, he had not heard of the system of electing men to these bodies anywhere in India. If anybody was anxious to serve on the Boards for the Mental Hospital and the Leper Asylum, he could offer himself for nomination, but it would be pertinent to ask why nobody was willing to do so, especially in the case of the Leper Asylum. He therefore thought that in all the above-mentioned cases, and particularly as regards prisons, nomination was quite a good system which need not be departed from.

The INSPECTOR-GENERAL of PRISONS (Rajasevasakta Dr. B. K. Narayana Rao) said that the mover must have tabled the representation on the ground that there were some defects in jail administration and under the impression that the non-official visitors were either not working satisfactorily or were unable to work. There were bound to be some defects in every institution, and Government were taking action to set them right as far as possible. So far as the members of the Board were concerned, he said that, as at present constituted, they generally conformed to the qualifications implied in the representation. But, as was stated by Mr. Gopalaswami Iyer, there were difficulties in the way of accepting the representation in its entirety. Besides, there was no need for adopting any hard and fast stipulations as to the qualification of members of the Boards of Visitors, as the existing practice was found to be working as satisfactorily as could be desired.

No. 44 – Encouragement of Kannada.

Mr. A. M. CHANNAMARE GOWDA (Nelamangala Taluk).

Mr. A. M. CHANNAMARE GOWDA represented that Kannada was the mother-tongue of the people in the State and of late many institutions had come into existence for serving the cause of the language. But in courts of law and other Government offices, the language used was English. With a view to encourage the Kannada language, he requested that arrangements be made for recording depositions in Kannada in the courts as well as in other offices and for granting of copies in Kannada. There would be nothing *infra dig* in the judges recording depositions in Kannada.

Mr. S. C. BELURIAH supported the representation. He remarked that even in the Assembly, members were unnecessarily employing English in the course of the debates which should be only in Kannada, and requested that they be called upon to speak only in Kannada as far as possible.

Mr. Bhupalam R. CHANDRASEKHARAIYA, in further supporting the representation, said that in courts of law which were meant to mete out justice to the litigant public, injustice was in many cases being perpetrated, due to mistakes creeping in in the course of translating into English the evidence given by the parties in Kannada at the time of recording. Once such a mistake occurred in the lower court, the parties would have no chance of relief later on. The speaker instanced a few

cases wherein the English version of the evidence was altogether different from what was actually stated by the witness in Kannada, which at least sometimes might be dangerous to the parties. This was not the only difficulty. The statement would have to be read out to the parties, and for that purpose the presiding officer should necessarily translate into Kannada the depositions which he himself had recorded in English. At each of the stages referred to above, a good deal of valuable time of the court would be wasted without any justification whatever. It was therefore quite natural for people to request that the language of the country should be employed in the courts, and they had also a right to make such a request. Officers of the Judicial Department were mostly Mysoreans and they knew Kannada quite well. Even if a few of them did not know this language, he suggested that they should be made to learn it and record evidence in it. If any officer thought it *infra dig* to learn Kannada and record depositions in that language, then, however high his position, he must be relieved of his office without any personal consideration.

Mr. A. VENKATESAIYA agreed with the previous speaker that mistakes were being committed in translating into English the evidence tendered in Kannada and that such cases were on the increase. He said that in the Mysore Sessions Division and also in some other places, evidence was being recorded partly in Kannada and partly in English. Such a practice had given room to any amount of trouble and confusion.

There was another thing which also, he said, deserved to be taken note of in this connection. At present, the parties were engaging lawyers to conduct their cases and the latter pleaded in the courts in English, which was a language which the parties, who were their paymasters, themselves did not know and were therefore not in a position to judge for themselves whether the lawyers were proceeding on proper lines or not. This difficulty would be obviated if Kannada was made use of in the courts. As most of the lawyers in the State were sons of the soil and knew the language of the country, he did not think that they would find any difficulty to argue in Kannada. As a matter of fact, in certain cases, lawyers were transacting business and also arguing in Kannada if the other side engaged no counsel and did not know English.

Mr. Rayara KEMPANNA also supported the representation. As official records were not maintained in Kannada, considerable difficulty was being experienced by the villagers including the village officers. If in a village a person died as a result of drowning, the patel had to make a report to the police officers, whereupon the Sub-Inspector or Jamedar would come and hold an inquest in the case. In the villages, very few people knew how to read or write Kannada and there would be practically none knowing English. A Panchayat would have to be held and a *mahazar* drawn up. Even this would be written, not in Kannada but in English. The speaker himself once asked the police officers to write the *mahazar* in Kannada but the reply was that a copy of the report had to be sent up to the District Superintendent of Police who could not read and follow Kannada documents and that therefore the *mahazar* had to be drawn up in English only.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) observed that there was no rule that inquest reports should be drawn up in English, and so far as he was aware they were being recorded in Kannada only.

Mr. Rayara KEMPANNA asserted that they were being recorded only in English.

Mr. S. P. RAJAGOPALACHARI then stated that the practice was to record them only in Kannada though it might be that the practice was departed from to suit convenience in a few individual cases. But the representation under discussion related to records in Courts of Law and as regards that question, he said, that it had come up for discussion during the last session of the Legislative Council and had been discussed at great length. Every one of the members who had spoken on that occasion had emphasised the need for employing the

Kannada language. But their arguments had been based mainly on grounds of prestige. In a matter like this, however, convenience of the general public, and not prestige, ought to be the deciding factor, and this was the view which the speaker had expressed on that occasion also. The question of relative importance, therefore, need not arise. At the same time it should be borne in mind that this was a question in which the opinion of the High Court was entitled to every consideration and respect. From the year 1923 to 1935, both Kannada and English were being used, in the courts, but this procedure was found to result in a lot of inconvenience because there used to be a Kannada version as prepared by the clerk and an English version as prepared by the presiding officer, which differed from each other on certain points, and the judges were sometimes in doubt as to which version was really correct. The High Court brought this to the notice of the Government who, after a great deal of consideration, ordered that all records had better be maintained in English only.

It was said by one of the previous speakers that lawyers would have no difficulty to argue in Kannada before the courts. That was a statement which had to be taken at some discount. From personal experience he was in a position to state that it was not always easy for lawyers to argue in Kannada. As a matter of fact, in one particular case, he asked a lawyer appearing before him in a Revenue Appeal to argue in Kannada. The lawyer could not do so and the speaker had to translate the whole argument into Kannada, for the benefit of the respondent who was unrepresented by any lawyer. This proved that mostly lawyers were accustomed to argue only in English. All the Law Reports were in English. If the arguments in the lower courts were recorded in Kannada, the whole thing had to be translated into English if and when the case came up before an appellate court. With a view to avoid all these inconveniences, and in accordance with the opinion of the High Court, Government had decided that the recording of evidence, etc., in courts should be in English. But on representations made to Government, both in the Legislative Council and elsewhere, the High Court were once again consulted in the matter and they expressed the view that the balance of advantage lay on the side of English. Though it was undoubted that Kannada was suitable for many purposes, there were practical difficulties in giving effect to it as an invariable or inviolable proposition. Even in the case of speeches made in the Representative Assembly, members were very frequently introducing English words and phrases because of the practical difficulty of readily finding appropriate expressions in Kannada. Instances had also come to the notice of the High Court in which mistakes of a serious nature had been committed in lower courts in translating the evidence from Kannada to English at the time of recording. For these reasons, he thought it was desirable to move slowly in the matter and not to come to any definite conclusions without proper deliberation.

Mr. T. V. NARASINGAPPA enquired whether in the Hyderabad State, Urdu was not being used as the court language, and if so, why any inconvenience should be pleaded in Mysore with regard to taking similar action in favour of Kannada.

Mr. S. P. RAJAGOPALACHARI replied that in Hyderabad, Urdu was the medium of instruction even in the University classes. The case of Mysore was not on all fours with that of Hyderabad because Kannada had not been adopted, as the medium of instruction in the University classes. As already stated by him, the present system of employing English as the official language was meant for the convenience of all concerned. If it was found in future to cause any inconvenience, the High Court themselves might be prepared to reconsider the question. Meanwhile, however, he was of the opinion that it would be desirable to give the High Court every discretion in the matter.

The PRESIDENT added that Government noted, in the meanwhile, that public opinion was in favour of Kannada being employed in courts.

Mr. K. T. BHASHYAM AIYANGAR said that in the past, Englishmen were being appointed as judges of the High Court and when cases came up before them in appeal, the entire records of the lower courts had to be translated. This, he said, was the only reason why English was the language used in all courts. But conditions had considerably changed since then, so much so that at present he could say with confidence that there were no officers in Mysore who did not know Kannada. If therefore this language was adopted invariably, there would be no room for any inaccuracy creeping in. The inaccuracies complained of at present were due to the present system of one court recording evidence in Kannada and another in English. All the courts, after all, were meant for the benefit of the people of the State, all of whom knew Kannada well enough. In this view, he thought that the High Court would have done well to recommend that Kannada alone should be used in all the courts. He did not believe that there would be any difficulty in judges recording the evidence in Kannada. It was all a question of practice. So that, even granting that some of the judges found it difficult to record evidence in Kannada at first, they would get used to it within a short time. In this connection, the speaker said that when first he became a member of the Assembly, he was not in a position to speak Kannada fluently. But now he had a full command over the language and could express all his thoughts, views and opinions in a manner intelligible to all. In the same way, the judges also could be made to record evidence in Kannada in all cases, and if any one felt that he could not do so, he might be transferred to some other department. He would even go further and say that such an officer ought not to be kept on in the department at all because, if he could not understand what the parties deposed in Kannada, he could not be expected correctly to translate it into English for purposes of recording. For these reasons he requested Government once again to consult the High Court in the matter and, with their support, direct that in all the courts of law, depositions should be recorded, arguments heard and judgments delivered in Kannada only. Personally, he felt that there ought to be no difficulty in securing the consent of the Hight Court which, after all, was a department of Government. Though on the judicial side it was certainly independent of the executive, yet in matters like the language to be employed, etc., the voice of the people must prevail.

Mr. S. P. RAJAGOPALACHARI stated that the High Court had taken into consideration all aspects of the case before making their recommendation to the Government; and with a view to convincing the House that this was so, the Member read the following extracts from a letter addressed to Government by the High Court on the question under discussion :—

"We are unanimously of opinion that all Munsiffs as well as District Judges and Subordinate Judges should be empowered to record evidence in English. In practice the recording of evidence in Kannada by a clerk is not found to be of use. On the contrary, it wastes time, labour and stationery. Evidence is not recorded by the Judge or his clerk in the form of question and answer, but in narrative form The judge is not only better able to put the witness' answers into narrative form but knows better what is irrelevant and should not be recorded. The recording of evidence in Kannada is found in practice to occupy much unnecessary time. The record made by the Judge is what is used in practice by appellate Courts. If a clerk is not employed in recording evidence, the office work of the Court will be better done. And, if two records of evidence are not made, a large amount of stationery will be saved, a matter of serious consideration to the Government at this time. In other parts of India judges of rank corresponding with that of Munsiffs record evidence in English without any vernacular record being made. That system is in force in the neighbouring Presidency of Madras, where it is found to be satisfactory and to save time The Judges of the High Court are confident that there is no reason why Munsiffs in this State should be treated as inferior in this respect to similar judges elsewhere; and they regard it as very undesirable in these days, when the work in almost every court is so congested, that Munsiffs in Mysore should be handicapped by the old-fashioned system of recording evidence twice over which has been given up elsewhere. It need hardly be pointed out that, if Magistrates can be allowed to make the only record of evidence in criminal cases in English, it is anomalous that in Munsiffs' Courts a double record should be required.

"For these reasons, the High Court recommends that all Munsiffs be empowered under Section 138 of the Code of Civil Procedure to record evidence in English."

Mr. K. T. BHASHYAM AIYANGAR said that what was objected to in the

letter read above was that there should not be two records—one in English by the Judge and another in Kannada by the Clerk. That kind of a duplication of work might be done away with and the presiding officers directed to record evidence in only one language, that language being prescribed as Kannada.

The PRESIDENT enquired whether it was the intention of the member that the recording of evidence by the clerk should be altogether eliminated.

Mr. K. T. BHASHYAM AIYANGAR replied in the affirmative.

Mr. S. P. RAJAGOPALACHARI observed that such a course could be thought of later on if and when all education was imparted in Kannada.

Mr. K. T. BHASHYAM AIYANGAR, however, thought that it was not necessary to put off this important reform. He requested the Government to make a reference to the High Court stating that as almost all the officers of the department were conversant with the Kannada language and the Assembly had in one voice demanded that the depositions in the courts should be recorded in Kannada by the presiding officers, the question might be once again examined by them.

Mr. S. P. RAJAGOPALACHARI pointed out that at present suitable equivalents could not be found in Kannada for all the terms and phrases commonly employed in the transaction of judicial business.

Mr. K. T. BHASHYAM AIYANGAR replied that that difficulty would be overcome within a short time by coining, if necessary, suitable terms and phrases in Kannada and that in that connection the Kannada Academy might be invited to give the necessary help.

The PRESIDENT was, however, of the opinion that even then it would not be feasible to eliminate English altogether, as it was never doubted that English played a most prominent and useful part in the disposal of all official business including judicial.

Mr. K. T. BHASHYAM AIYANGAR said that while it might be necessary to employ English for inter-provincial or international correspondence, it was not so in the case of business transacted within the State.

Mr. S. P. RAJAGOPALACHARI observed that in addition to the points he had already mentioned he would also say that another difficulty in the way of adopting Kannada for recording evidence in courts was that different languages were spoken in different parts of the State such as Telugu, Tamil or Hindustani, and if the claim on behalf of one language was conceded, the claims on behalf of all the others would also become entitled to equal recognition—a suggestion which, if accepted, would be found to be impracticable.

At 5-20 p.m., the House rose for the day to meet again at 12 of the clock on Monday, 3rd October 1938.

FIFTH DAY.

Monday, 3rd October 1938.

The House reassembled at the Jagan Mohan Palace Pavilion, on Monday, 3rd October 1938, at 12 of the clock, Mr. President (*Amin-ul-Mulk* Sir Mirza M. Ismail, K.C.I.E., O.B.E., Dewan) in the Chair.

QUESTIONS AND ANSWERS—*contd.*

Selection of Revenue Probationers.

Q.—23. **Mr. H. P. BASAPPA** (Heggaddevankote Taluk).—

Will the Government be pleased to state :—

(*a*) the communities to which the Revenue Probationers, except Mr. Kasna Naik, selected by Government, belong ;